

Maine Revised Statutes
Title 28-A: LIQUORS
Chapter 100: MAINE LIQUOR LIABILITY ACT

§2519. APPROVAL OF ALCOHOL SERVER EDUCATION COURSES

1. Approval of alcohol server education courses. The commissioner or the commissioner's designee shall approve alcohol server education courses for a period of 2 years that meet the criteria developed under this section. The commissioner may renew approval provided the course meets the criteria applicable at the time of renewal.

Course providers may request renewal by submitting current course material at least 60 days prior to the date of expiration.

[2001, c. 502, §1 (AMD) .]

2. Advisory committee; appointment. The commissioner shall appoint the Server Education Advisory Committee consisting of 8 members, to include:

A. A representative of the faculty at the Maine Criminal Justice Academy; [1987, c. 45, Pt. A, §4 (NEW) .]

B. A liquor enforcement officer; [1995, c. 140, §8 (AMD) .]

C. A representative of the Department of the Attorney General; [1987, c. 45, Pt. A, §4 (NEW) .]

D. A representative of the Department of Health and Human Services; [2011, c. 657, Pt. AA, §76 (AMD) .]

E. A representative of the education community; [1999, c. 519, §3 (AMD) .]

F. A representative of a statewide liquor licensee organization; [2005, c. 539, §12 (AMD) .]

G. A representative of a statewide trial lawyers organization; and [2005, c. 539, §12 (AMD) .]

H. A representative of the bureau. [2005, c. 539, §12 (NEW); 2013, c. 368, Pt. V, §61 (REV) .]

[2011, c. 657, Pt. AA, §76 (AMD); 2013, c. 368, Pt. V, §61 (REV) .]

3. Advisory committee; course criteria. The advisory committee shall determine specific criteria that an alcohol server education course must contain to receive approval. The specific criteria must be based on and include the following.

A. The instructors of the program or the advisor pursuant to subsection 9 possess the relevant skills to provide instruction. [2001, c. 502, §2 (AMD) .]

B. The course provides instruction and the development of skills in the following subject matters:

(1) Identification of intoxicated individuals and minors;

(2) Intervention to prevent excessive consumption of alcohol by such methods as serving food and encouraging the consumption of nonalcoholic beverages;

(3) Making consumers aware of their condition and their responsibility for driving in an intoxicated condition and providing alternate transportation when available;

- (4) Knowledge of state laws relating to the sale and distribution of alcohol and the legal responsibilities of servers and consumers;
 - (5) Knowledge of the effect of alcohol by volume and timing of intake in relation to an individual's weight;
 - (6) Examination of proof of age identification and methods of detecting false or altered age identification documents;
 - (7) Policies and practices to prevent the sale or service of alcohol to minors and visibly intoxicated individuals; and
 - (8) The effects of alcohol on the human body, including the disease concept of alcoholism.
- [1987, c. 45, Pt. A, §4 (NEW) .]

C. Participants are evaluated before taking the course and after completion of the course. [1987, c. 45, Pt. A, §4 (NEW) .]

D. Participants who successfully complete the course and the final evaluation are awarded certificates recognizing that they have successfully completed an approved alcohol server education course. [1987, c. 45, Pt. A, §4 (NEW) .]

[2001, c. 502, §2 (AMD) .]

3-A. Precourse evaluation waiver. After review of a course, the advisory committee may exempt that course from evaluating its participants prior to taking the course.

[1999, c. 519, §4 (NEW) .]

4. Advisory committee; review and recommendation. The advisory committee shall review each alcohol server education course submitted to the commissioner and recommend that the commissioner either approve or not approve the course based on whether the course meets the criteria the advisory committee developed under subsection 3.

[1987, c. 45, Pt. A, §4 (NEW) .]

5. Fee. The fee for enrollment in a bureau alcohol server education course is \$28 per participant. The fees collected must be retained by the bureau to cover the costs related to alcohol server education training.

[1999, c. 519, §5 (AMD) .]

6. Instructor training. Each instructor providing instruction in an approved alcohol server education course shall biennially attend a seminar on the liquor laws of the State provided by an officer of the bureau. The instructor shall attend the seminar prior to teaching an approved alcohol server education course in this State. If the instructor meets the requirements of subsection 6-A, the instructor must receive an alcohol server instructor's certificate. There is a \$10 fee for the seminar to offset expenses incurred in carrying out this subsection.

[1999, c. 519, §6 (AMD) .]

6-A. Instructor qualifications. In order to qualify for an alcohol server instructor's certificate, an instructor shall:

- A. Attend a seminar biennially as provided in subsection 6; [1999, c. 519, §7 (NEW) .]
- B. Apply for a certificate for each approved course to be instructed; and [1999, c. 519, §7 (NEW) .]

C. Provide a letter from the administrator of the course approved by the advisory committee to train instructors acknowledging that the instructor is in good standing with the approved course. [2001 , c. 502 , §3 (AMD) .]

In addition to the requirements of paragraphs A to C, an instructor seeking recertification shall conduct a minimum of 4 courses during the previous certification term for the course for which the instructor is seeking recertification.

[2001 , c. 502 , §3 (AMD) .]

6-B. Suspension of certificate. The commissioner or the commissioner's designee may suspend or revoke an alcohol server instructor's or advisor's certificate upon the recommendation of the advisory committee. The following are grounds for an action to suspend or revoke a certificate:

- A. Repeated instances of failure to provide timely, accurate or legible information required by subsection 7; [1999 , c. 519 , §7 (NEW) .]
- B. Repeated instances of failure to follow the course outline or cover the course criteria that were used to gain approval; or [1999 , c. 519 , §7 (NEW) .]
- C. Receipt of a request to suspend or revoke a certificate from the administrator of the course approved by the advisory committee to train instructors. [1999 , c. 519 , §7 (NEW) .]

[2001 , c. 502 , §4 (AMD) .]

6-C. Advisor training. Each advisor, pursuant to subsection 9, must be certified under subsection 6-D prior to providing advisory assistance in an approved Internet-based alcohol server education course and shall biennially attend a seminar on the liquor laws of the State provided by an officer of the bureau. The fee for the seminar is the same as in subsection 6.

[2001 , c. 502 , §5 (NEW) .]

6-D. Advisor qualifications. In order to qualify for an alcohol server advisor's certificate an advisor shall:

- A. Attend a seminar biennially as provided in subsection 6; [2001 , c. 502 , §5 (NEW) .]
- B. Apply for a certificate for each approved course that the advisor offers services for; and [2001 , c. 502 , §5 (NEW) .]
- C. Provide a letter from the administrator of the course approved by the advisory committee to train advisors acknowledging that the advisor is in good standing with the approved course. [2001 , c. 502 , §5 (NEW) .]

[2001 , c. 502 , §5 (NEW) .]

7. Course accountability. The chief may appoint an officer of the bureau to monitor each alcohol server education course to ensure that the course presents proper training and meets the approved criteria. The bureau shall maintain a record of the participants who have completed an alcohol server training course. Each instructor of an approved course shall provide the chief with the names, addresses, dates of birth and the driver's license numbers, state identification card numbers or social security numbers of students who complete the course and the date of completion. The instructors shall forward \$3 to the bureau for every name submitted. The amounts collected must be retained by the bureau to cover costs related to alcohol server education training.

[1999 , c. 519 , §8 (AMD) .]

8. Alcohol server education courses; approval; suspension; revocation. The commissioner or the commissioner's designee may refuse to issue or renew approval for an alcohol server education course. The commissioner or the commissioner's designee may suspend or revoke approval for an alcohol server education course upon the recommendation of the advisory committee after reviewing the report of the monitor. The following are grounds for an action to refuse to issue or renew approval or to suspend or revoke approval.

A. The advisory committee finds that an alcohol server education course does not meet the criteria listed in subsection 3 or specific criteria determined by the committee. [1993, c. 266, §36 (NEW).]

B. The course, when presented, does not follow specific criteria determined by the advisory committee before issuance of approval. [1993, c. 266, §36 (NEW).]

C. The instructor of the course does not provide information or access to the monitor as required by subsection 7. [1993, c. 266, §36 (NEW).]

D. Fraud or deceit is used to obtain course approval or in providing the course or issuing certificates. [1993, c. 266, §36 (NEW).]

A person aggrieved by a decision of the commissioner or the commissioner's designee to refuse to issue or renew approval or to suspend or revoke approval for an alcohol server education course may, within 30 days of receipt of that decision, appeal the decision to the District Court.

[2001, c. 502, §6 (AMD) .]

9. Approval of Internet-based alcohol server education courses. The commissioner or the commissioner's designee may approve an Internet-based alcohol server education course if the course meets the criteria developed under this section. An approved Internet-based alcohol server education course must have an advisor, certified under subsection 6-D, available to answer questions for persons using the Internet-based alcohol server education course.

[2001, c. 502, §7 (NEW) .]

SECTION HISTORY

1987, c. 45, §A4 (NEW). 1989, c. 700, §A117 (AMD). 1991, c. 528, §L8 (AMD). 1991, c. 528, §RRR (AFF). 1991, c. 591, §L8 (AMD). 1993, c. 266, §§34-36 (AMD). 1993, c. 730, §52 (AMD). 1995, c. 140, §8 (AMD). 1997, c. 373, §§166-169 (AMD). 1999, c. 519, §§2-8 (AMD). 1999, c. 547, §B78 (AMD). 1999, c. 547, §B80 (AFF). 2001, c. 502, §§1-7 (AMD). 2005, c. 539, §12 (AMD). 2011, c. 657, Pt. AA, §76 (AMD). 2013, c. 368, Pt. V, §61 (REV).

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